

REMARKS

Claims 1, 4, 5, and 7 have been amended to recite "produced by the cell line ATCC® Accession No. PTA-6196," as suggested by the Examiner.

This Amendment adds no new matter.

Paragraph 3. Rejection of Claims 1, 4, 5, 7, 19 and 20 Under 35 U.S.C. § 112, First Paragraph.

Claims 1, 4, 5, 7, 19 and 20 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner states that the statement under 37 C.F.R. § 1.804(b) by inventor John Ghrayeb was not received by the USPTO.

Provided herewith is a copy of the Statement Under 37 C.F.R. § 1.804(b) of John Ghrayeb, Ph.D. that was filed in the USPTO on October 1, 2004. A copy of the post card receipt evidencing receipt of this document by the USPTO is also enclosed.

The Statement Under 37 C.F.R. § 1.804(b) completes the formalities for the biological deposit. Withdrawal of the rejection is requested.

Paragraph 5. Rejection of Claims 1, 4, 5, 7, 19 and 20 Under 35 U.S.C. § 112, Second Paragraph.

Claims 1, 4, 5, 7, 19 and 20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that the claims are indefinite because ATCC® Accession No. PTA-6196 refers to a cell line and not to an antibody. The Examiner suggests that the claims be amended to recite "produced by the cell line ATCC® Accession No. PTA-6196."

The claims have been amended in accordance with the Examiner's suggestion, thereby obviating the rejection. The amendment is made to more clearly point out the claimed subject matter by identifying the variable regions by reference to those contained in the antibody produced by the deposited cell line. The amendment imparts no process limitation on the claims.

Request for Rejoinder

Non-elected Claims 13, 16 and 17 are drawn to a method of therapy comprising administering a chimeric immunoglobulin or chimeric antigen binding fragment of Claim 1.

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Therefore, because Claim 1 is believed to be allowable, method Claims 13, 16 and 17 should also be allowable. Applicants request, pursuant to U.S. Patent Office practice (MPEP § 821.04), that Claims 13, 16 and 17 be rejoined.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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